

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue, Room 217
Rockville, Maryland 20850
(240) 777-6600**

<http://www.montgomerycountymd.gov/boa/>

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, December 14, 2016

ACTION ITEMS:

1. Minutes of November 30, 2016, Worksession.

Action: Approved, (SBB/ESR, 4-0) (BG-absent).

2. **A-6479, Petition of Robert Englehart** (Administrative Appeal). Appellant has submitted an Emergency Motion to Reopen the Record. Also included is Intervenor's Response to the Request to Reopen the Record, which opposes Appellant's Motion, the County's Opposition to the Emergency Motion to Reopen the Record, Appellant's Reply to the County's Opposition to the Emergency Motion to Reopen the Record, and Intervenor's Supplemental Response to Emergency Motion to Reopen the Record.

Action: Motion to deny Emergency Motion did not pass [JHP/ESR, 2-2 (CJS/SBB-opposed), BG-absent]; item continued for BG participation.

3. **CBA-2047, Petition of Potomac Place Limited Partnership** (Off-street Parking). Request for Rehearing from Janis Zink Sartucci, regarding the Board's November 4, 2016, dismissal of her October 28, 2015, complaint pertaining to this special exception.

Action: Denied Request for Rehearing, (ESR/JHP, 4-0) (BG-absent).

4. **CBA-2923, Petition of MAN-AR Associates** (Medical and Dental Clinic). Letter to the Board from Nancy Regelin, Esquire, requesting transfer of this special exception. Ms. Regelin indicates that associated signage will be changed to reflect the new owner.

Action: Granted the transfer of the special exception, (SBB/ESR, 4-0) (BG-absent).

5. **S-751, Petition of Wallace T. and Anita J. Ashley** (Antique Store). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, requesting that this special exception use be revoked as abandoned. Also included is confirmation of the abandonment from the Petitioners' son.

Action: Revoked the special exception, (JHP/ESR, 4-0) (BG-absent).

6. **S-1255, Petition of Dr. Toufic Melki** (Medical Clinic). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification of this special exception.

Action: Granted administrative modification, (JHP/SBB, 4-0) (BG-absent).

7. **S-2700, Petition of Hannah DiBonge d/b/a Germantown Pharmacy** (Drug Store). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, stating that because of rezoning, the special exception use is permitted by right. Also included are letters of notification to the special exception holder and property owner; no response was received.

Action: Revoked the special exception, as use is permitted by right, (JHP/SBB, 4-0) (BG-absent).

PENDING ITEMS:

8. **CBA-1730, Petition of Stanley Rakusin and Arthur P. Becker** (Apartment Hotel). Letter to the Board from Robert R. Harris, Esquire, requesting reconsideration of the Board's revocation of special exception CBA-1730, and asking that the special exception be reinstated. Item deferred (consensus). [W/S: 4/27/16].
9. **S-2250, S-1211, S-1211-B, Petition of KCJ Properties, LLC, and O.G. Limited Partnership** (Private Educational Institution). Letter to the Board from Joyce Saadi, requesting reconsideration of the Board's decision dated July 29, 2016, which modified S-2250 and revoked S-1211 and S-1211-B, or in the alternative, a hearing. Item deferred (consensus). [W/S: 9/7/16].

Board Members

Carolyn J. Shawaker, Chair
John H. Pentecost, Vice Chair
Stanley B. Boyd
Edwin S. Rosado
Bruce Goldensohn - ABSENT

Staff

Barbara Jay, Executive Director
Kathryn Lloyd, Associate County Attorney